

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

LIBERTY MUTUAL INSURANCE COMPANY
A/S/O DIANE GOULSTON and
DIANE GOULSTON individually

Plaintiff,

v.

THE UNITED STATES OF AMERICA

Defendant.

08 CV 6370

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

JUDGE BUCHWALD

TO: U.S. POSTAL SERVICE
P.O. BOX 80471
ST. LOUIS, MO 63180
Claim #: TC200815043

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY:

CARL S. YOUNG & ASSOCIATES
350 FIFTH AVENUE SUITE 6304
NEW YORK, NY 10118-6396
Tel #: (212) 594-8870
File #: LB07-11-0091

an answer to the complaint which is herewith served upon you, within 10 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

J. MICHAEL McMAHON

CLERK

BY DEPUTY CLERK

Catherine Lapley

DATE

JUL 16 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LIBERTY MUTUAL INSURANCE COMPANY

A/S/C DIANE GOULSTON

DIANE GOULSTON Individually

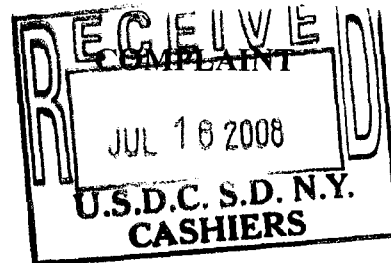
Plaintiff,

- against -

THE UNITED STATES OF AMERICA

Defendant.
-----X

08 CV 6370



Plaintiffs by their attorneys Carl S. Young & Associates, complaining of defendant alleges:

**FIRST CAUSE OF ACTION
ON BEHALF OF LIBERTY MUTUAL INSURANCE COMPANY**

1. This claim is brought under 28 USC § 2671 et seq.
2. At all times hereinafter mentioned, the Plaintiff, Liberty Mutual Insurance Company, was and still is a corporation authorized to do business in the State of New York.
3. Upon information and belief at all times hereinafter mentioned the defendant was situated within the jurisdiction and venue of this court.
4. On November 21, 2007, there was in effect a policy of insurance issued by plaintiff to its insured, Diane Goulston against the peril inter alia, of physical damage to a 2000 Toyota vehicle.
5. At all times hereinafter mentioned the plaintiff's subrogor, Diane Goulston was the owner of a 2000 Toyota, motor vehicle bearing NH State Registration No. 2238482.
6. That on November 21, 2007, plaintiff's subrogor, was operating the aforesaid motor vehicle on 124th Street, New York, State of New York.
7. Upon information and belief, at the aforesaid time the defendant was the owner of or had care, custody and control of a vehicle.

8. Upon information and belief, at the aforesaid time and place defendant's vehicle was being operated by one Cristian Martinez while in the course of his employment and with the consent and permission of the defendant.

9. That at the time and place aforesaid as a result of the negligence of the defendant, its agents, servants, and employees, the vehicles of plaintiff's subrogor and defendant came in contact and collision causing damage to the said vehicle.

10. The negligence of the defendant consisted in operating its motor vehicle at an excessive rate of speed under the circumstances; in failing to have defendant's vehicle under proper control; in failing to observe the conditions of traffic at the time and place hereinbefore mention; in failing to obey traffic signals, devices and sign; in failing to sound a horn or other warning of the approach of defendant's vehicle, in failing equip the vehicle with proper safety devices; in failing to comply with the statutes, rules and ordinances governing the operation of a motor vehicle; in failing to bring the vehicle to a halt or alter its course so as to avoid, avert or prevent the occurrence.

11. As a result of the aforesaid occurrence, plaintiff's subrogor sustained damages to her vehicle in the sum of \$3,877.51.

12. Pursuant to its policy of insurance with plaintiff's subrogor, plaintiff paid the sum of \$500.00.

13. That upon and to the extent of the foregoing payment, plaintiff became subrogated to the rights of its subrogor.

14. As a result of the foregoing plaintiff, Liberty Mutual Insurance Company, has been damaged in the amount of \$3,377.51.

**SECOND CAUSE OF ACTION
ON BEHALF OF DIANE GOULSTON**

15. Plaintiff Diane Goulston repeats each allegation set forth in paragraphs 1-12 with the same force and effect as though fully set forth at length herein.

16. That pursuant to the terms of the policy of insurance between Liberty Mutual Insurance Company and this plaintiff, the insurer was to deduct the amount of \$500.00 from its payment of any indemnity for collision damage.

17. As a result of the foregoing Liberty Mutual Insurance Company deducted the amount of \$500.00 from its payment to, or on behalf of, this plaintiff.

18. As a result of the occurrence and negligence complained of above, the plaintiff, Diane Goulston sustained damages in the amount of \$500.00.

WHEREFORE, plaintiff demands judgment as follows:

1. On the first cause of action, in favor of Liberty Mutual Insurance Company in the amount of \$3,377.51.
2. On the second cause of action, in favor of Diane Goulston in the amount of \$500.00.
3. On both causes of action, with interest from November 21, 2007, and the costs and disbursements of this action.

Dated: New York, New York
June 3, 2008

CARL S. YOUNG & ASSOCIATES

By: 

Carl S. Young (CY0110)

Attorneys for Plaintiff
Office & P.O. Box Address
350 Fifth Avenue, Suite 6304
New York, New York 10118
Tel: (212) 594-8870
Our File #: LB07-11-0091

PLEASE take notice that the within is a (*certified*) true copy of a duly entered in the office of the clerk of the within named court on

Dated,

Yours, etc.

CARL S. YOUNG & ASSOCIATES

Attorneys for

Office and Post Office Address
350 FIFTH AVENUE
 NEW YORK, N.Y. 10118-6396

To

Attorney(s) for

File 07/16/2008

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NOTICE OF SETTLEMENT

PLEASE take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

M.

Dated,

Yours, etc.

CARL S. YOUNG & ASSOCIATES

Attorneys for

Office and Post Office Address
350 FIFTH AVENUE
 NEW YORK, N.Y. 10118-6396

To

Attorney(s) for

Index No. Year

UNITED STATES DISTRICT COURT
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LIBERTY MUTUAL INSURANCE COMPANY
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Plaintiff.

- against -

THE UNITED STATES OF AMERICA

Defendant.

SUMMONS and COMPLAINT

Signature (Rule 130-1.1-a)

Print name beneath

CARL S. YOUNG & ASSOCIATES
 Plaintiff

Attorneys for

Office and Post Office Address, Telephone
350 FIFTH AVENUE
 NEW YORK, N.Y. 10118-6396
 (212) 594-8870

To

Attorney(s) for

Service of a copy of the within is hereby admitted.
 Dated

.....

Attorney(s) for

1500 - Blumberg Excelsior Inc., NYC 10013